

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN J. WILSON,

Plaintiff,

v.

No. CIV 10-0345 JB/WDS

JANNICE JOHNSON;
PROGRESSIVE INSURANCE,

Defendants.

ORDER

THIS MATTER comes before the Court on the Magistrate Judge's Analysis and Recommended Disposition, filed May 11, 2010 (Doc. 7) ("A&RD"). On June 9, 2010, the Court issued a Memorandum Opinion and Order adopting in part and rejecting in part the A&RD, which recommended that the Court dismiss Plaintiff John J. Wilson's *pro se* Complaint without prejudice based on several jurisdictional problems. Because the Court found that there was a possibility that Wilson could amend his Complaint to cure the deficiencies that the Magistrate Judge correctly identified, the Court gave Wilson ten days to file such an amended Complaint. The Court stated:

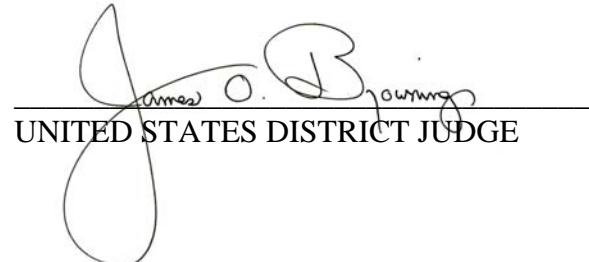
The Court finds that it would be in the interest of fairness to allow Wilson to amend his Complaint to cure these likely formalistic deficiencies and proceed to have the merits of his Complaint heard. The Court cannot fairly, in the interest of justice, ignore the realities of the situation that Wilson possibly and probably faces.

The Court therefore rejects the A&RD in part and orders Wilson to file a corrected Complaint within ten days of the entry of this order. That Complaint must correct the deficiencies that the Magistrate Judge addressed in the A&RD. If Wilson fails to timely file the corrected Complaint, or Wilson's corrections do not cure the Complaint's deficiencies to the Court's satisfaction, the Court will reconsider this order and order that the A&RD be adopted.

Memorandum Opinion and Order at 3-4, filed June 9, 2010 (Doc. 9).

Since the Court's June 9, 2010 Memorandum Opinion and Order, Wilson has not filed an amended Complaint as the Court allowed. Nineteen days have passed since the Court entered its Memorandum Opinion and Order. Wilson has thus failed to amend his Complaint within ten days as the Court instructed. Accordingly, the Court -- as it warned Wilson that it would -- adopts the A&RD in its entirety and dismisses Wilson's Complaint without prejudice.

IT IS ORDERED that: (i) the Magistrate Judge's Analysis and Recommended Disposition is adopted; and (ii) Plaintiff John J. Wilson's Complaint is dismissed without prejudice.



James O. B. Owyang
UNITED STATES DISTRICT JUDGE

Parties:

John J. Wilson
Albuquerque, New Mexico

Plaintiff pro se